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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,676	07/13/2001	Michael W. Austin	210_234	5184

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EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/904,676

Applicant(s)

AUSTIN ET AL.

Examiner

Jennifer E. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 and 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to the amendment filed January 12, 2004 (Paper No. 16) by which claims 17 and 18 were amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIlwraith '393 (U.S. Patent No. Re. 34, 393) in view of Stinson '486 (U.S. Patent No. 3,019,486).

McIlwraith '393 discloses a unit comprising a three dimensional frame which has side pieces (e.g., 26 and 27 in Figure 4) partially defining rectangular openings (see Figure 2) in top, bottom and side sections thereof; panels (11, 15, 12, and 12) are mounted in the openings at top, bottom, and side sections (respectively) thereby enclosing each frame; at least one hinged (at 20) panel (13) connected to an end piece (27) of one of the frames in an opening at a front thereof by a hinge (20) so that the panel (13) can move between an open and a closed position within a frame opening; compressible seals (40 - see Figures 5 and 6) contained in each frame and affixed to the side pieces (27 - see Figure 6) and arranged to be compressed and closed against an inside surface of the panel (11-15) when the outer surface (at 12 or 13 in Figure 6) is flush against the frame; and a latching means (at 58 and 59 in Figure 60) for securing the hinged panel (13) in the closed position within a frame opening to lock the panel (13) in sealing contact with the seal.

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The claims differ from McIlwraith '393 in requiring: (a) a series of frames connected (see line 2 of claim 17); (b) *each* of the side pieces to have a compressible seal (see line 8 of claim 17); and (c) the hinge to be a living hinge (see line 13 of claim 17).

With respect to (a), although McIlwraith '393 shows only one frame, in view of the fact that the claim does not recite how the frames are connected, it would have been an obvious design choice to one of ordinary skill in the art at the time the invention was made to have provided a series, i.e., more than one, of frames, as needed, for increased capabilities of the unit.

With respect to (b), although McIlwraith '393 does not explicitly show or explicitly disclose that each side piece has a compressible seal, McIlwraith states that "the gasket 40 prevents moisture and debris from passing through each of the joints" (see the sentence bridging columns 6 and 7). *Thus*, it would have been obvious to one of ordinary skill in the art at the time the invention was made that each side piece could have a seal affixed thereto, for decreasing possible damage to the unit by external forces and debris.

With respect to (c), Stinson '486 teaches a living hinge which comprises an edge extrusion, a mounting flange connected together by a hinge portion.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the hinge in the unit of McIlwraith '393 with a living hinge, as taught by Stinson '486, for ease in economy and manufacture since the hinge can be manufactured in one piece.

It is noted that once the hinge of Stinson '486 is connected to the hinged panel of McIlwraith, the elements are considered to be "integrally" connected.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIlwraith '393 in view of Stinson '486 as applied to claim 17 above, and further in view of Brown '703 (U.S. Patent No. 6,240,703).

The claim differs from the above references in requiring a second hinged panel connected by a living hinge to a second end piece and the latching means acting therebetween.

Brown '703 teaches that it is old to have a first hinged door (25) connected to a first end piece (22) of a frame opening and a second hinged panel (26) attached to a second end piece of the frame opening whereby a latching means (unnumbered - see Figure 2) acts therebetween to secured the panels (25 and 26) in a closed position.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the combination of McIlwraith '393 in view of Stinson '486'672 with a second hinged panel connected (by a living hinge, as taught by Stinson '486) to a second end piece and secured by a latching means to the first hinged panel, for increased ease in use of the unit. It is noted that Brown '703 has been utilized to show a second hinged panel and not the use of a living hinge and thus is considered to meet the limitations of the claims since the combination of McIlwraith, Stinson, and Brown show the claimed structure of the claimed combination of claim 19.

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Benthem *et al.* '000 in view of McIlwraith '393 and Stinson '486.

Van Benthem *et al.* '000 disclose a unit comprising a series of three dimensional frames (one third of Figure 1 is considered to define one frame) that are connected together whereby each frame has side pieces (at 4 in Figure 1 and including unnumbered element between 12 and

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40 in Figure 5) partially defining rectangular openings (generally between elements 4 and 6) in top, bottom and side sections thereof; panels (2) are mounted in the openings thereby enclosing each frame; at least one hinged panel (10 and 14) connected to an end piece (i.e., element 14 is connected to end piece 4) of one of the frames by a hinge (12) so that the panel (10) can move between an open and a closed position within a frame opening; compressible seals (58 - see Figure 5) contained in each frame arranged to be compressed and closed against an inside surface (generally at 56 in Figure 5) of the panel (10) when the outer surface (at 50) is flush against the frame; and each panel including a front and back cover, e.g., panel (10) has front (50) and back (52) covers, that are spaced apart by a panel perimeter member (unnumbered near 56 and 58 on the left side of Figure 5) and an insulation foam material filling (54 - see column 2, line 59) between the covers.

The claims differ from Van Benthem *et al.* '000 in requiring: (a) the seals to be affixed to each the side pieces (claim 17), (b) a living hinge connected to a panel and an end piece of a frame (claim 17) which defines an edge extrusion integrally connected to the panel, a mounting flange connected to the end piece and a hinge portion therebetween (claim 19); and (c) a latching means (claim 17).

With respect to (a), McIlwraith '393 teaches the unit as advanced above whereby the seals (40) are attached to the *side pieces*.

Thus, it would have been an obvious design choice to one of ordinary skill in the art at the time the invention was made to have provided each of *the side pieces* in Van Benthem *et al.* '000 with a seal, for assisting in preventing moisture and debris from entering the joints where the panels are connected to the side pieces.

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Stinson '486 teaches a living hinge which comprises an edge extrusion, a mounting flange connected together by a hinge portion.

With respect to (b), it would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the hinge in the unit of Van Benthem *et al.* '000 with a living hinge, as taught by Stinson '486, for ease in economy and manufacture since the hinge can be manufactured in one piece.

It is noted that once the hinge of Stinson '486 is connected to the hinged panel of Van Benthem *et al.*, the elements are considered to be "integrally" connected.

With respect to (c), it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the unit of Van Benthem *et al.* '000 with a latching means, as shown by McIlwraith, so as to allow the panel to be closed within the frame thereby allowing for increased securement.

It is noted that once the hinge of Stinson '486 is connected to the hinged panel of McIlwraith, the elements are considered to be "integrally" connected.

Response to Arguments

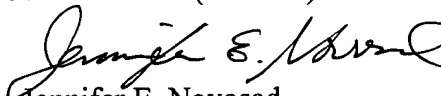
Applicant's arguments, see the paragraph bridging pages 4 and 5, filed January 12, 2004, with respect to the rejections of claims 17-20 under Section 103 have been fully considered and are persuasive. *Therefore*, the rejection has been withdrawn. *However*, upon further consideration, a new ground(s) of rejection has been advanced above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is (703)-305-2872. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703)-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer E. Novosad
Primary Examiner
Art Unit 3634

Jennifer E. Novosad/jen
March 4, 2004